

UNITED STATES DISTRICT COURT
for the
District of Minnesota

United States of America)

v.)

Antoine Brown)

) Case No: 97-cr-276-022

) USM No: 08209-041

Date of Original Judgment:

12/17/1998)

Date of Previous Amended Judgment:

8/20/2008)

(Use Date of Last Amended Judgment if Any)

) Katherine M. Menendez

) Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Total Offense Level: _____

Criminal History Category: _____ Criminal History Category: _____

Previous Guideline Range: _____ Amended Guideline Range: _____

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

The reduced sentence is above the amended guideline range.

II. ADDITIONAL COMMENTS

At Defendant's change of plea hearing, Defendant admitted to being responsible large quantities of cocaine and crack cocaine. The court found him to be responsible for at least 1.5 kilograms of crack cocaine, the highest relevant quantity under the Guidelines at that time. The Court now finds that ample evidence in the record at the time of sentencing supports a finding that Defendant was responsible for at least 2.8 kilograms of crack cocaine. This finding is consistent with earlier findings in this case. See United States v. Adams, 104 F.3d 1028, 1030-31 (8th Cir. 1997). Defendant is ineligible for a further sentence reduction because his Offense Level remains unchanged by the Fair Sentencing Act.

Except as otherwise provided, all provisions of the judgment dated 8/20/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: _____

1-26-12 M.J.D.

Judge's signature

Effective Date:

(if different from order date)

Chief Judge Michael J. Davis, U.S. District Court

Printed name and title